REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-10 were pending. In this Reply, claims 11-17 are added. Therefore, claims 1-17 are pending. Claims 1, 4, 7 and 14 are independent.

OBJECTION TO THE SPECIFICATION

The specification is objected to for various informalities. *See office action, item 1 on page 2.* The specification is amended to address the issues raised as well as to enhance clarity. Applicant respectfully requests that the objection to the specification be withdrawn.

OBJECTION TO THE CLAIMS

Claims 1-10 stand objected to for informalities. *See item 2 on pages 2-4 of the office action.* These claims are amended to address the issues raised as well as to put the claims in a form closer to U.S. practice. It is intended that the amendments to the claims do not alter the scope of the claims.

Applicant respectfully requests that the objection to the claims be withdrawn.

§103 REJECTION – ZISAPEL, APOSTOLOPOULOS

Claims 1-10 stand rejected under 35 USC §103(a) as allegedly being unpatentable over Zisapel (US Patent No. 6, 665,702) in view of Apostolopoulos et al. (US Patent No. 6, 868, 083). *See item 4 on pages 4-10 of the office action.* Applicant respectfully traverses.

For a §103 rejection to be proper, a *prima facie* case of obviousness must be established. *See MPEP 2142.* One requirement to establish the *prima facie* case of obviousness is that the

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cited references, when combined, must teach or suggest all claimed limitations. *See MPEP*

2142; MPEP 706.02(j). Thus, if the cited references fail to teach or suggest one or more

elements, then the rejection is improper and must be withdrawn.

Claim 1 is directed toward a server for providing data upon receipt of data requests from

user terminals over a distributed information network. The server includes first means arranged

to identify whether a plurality of addresses making a corresponding plurality of requests for

identical (i.e., the same) data are associated with the same end user. The server also includes

second means arranged to stream different parts of the same data to the plurality of addresses

requesting the same data when the first means identifies that the plurality of addresses are

associated with the same end user. Neither Zisapel nor Apostolopoulos teaches or suggests these

features.

In the office action, the Examiner alleges that Zisapel discloses means arranged to

identify whether a plurality of addresses that are making requests for the same data are

associated with the same end user. Zisapel is directed toward load balancing client requests

among redundant network servers in different geographical locations. *See column 1, lines 11-14.*

The Examiner, in particular, relies upon Figure 3A. Figures 3A-3F illustrate an embodiment in

which load balancing is achieved for a multi-homed network architecture whereby a client is

connected to the Internet through multiple ISPs. *See column 15, lines 57-61.* Zisapel discloses

that in Figure 3A, a client 105 is connected to the Internet 110 through three ISP servers 115, 120

and 125. The system also includes a content router 145 to provide connectivity between the

client 105 and Internet servers such as the server 150. *See column 15, line 61 - column 16, line*

1. In this example, the client 105 on a private network seeks to connect to the server 150. *See*

column 16, lines 1-3.

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Zisapel discloses that the first time the client 105 connects to the server 150, the content router 145 sends a polling request through each of the routers 130, 135 and 140 associated with the three ISPs 115, 120 and 125, respectively, in order to determine the proximity of the server 150 to the client 105. When sending the polling request, the content router 145 assigns respective network addresses 20.1.1.1, 30.1.1.1 and 40.1.1.1 to the client 105 associated with each of the ISPs. As a result, three polling requests are sent; one from each of the source addresses 20.1.1.1, 30.1.1.1 and 40.1.1.1 to the destination server 150. *See column 16, lines 6-14.*

In response, Zisapel discloses that the server 150 replies to each of the network addresses and the replies are accordingly transmitted through each of the respective ISPs. Based on these polling results returned from the server 150, the content router 145 chooses only one of the ISPs as its choice for connecting the client 105 with the server 150. *See column 16, lines 16-24.*

The server 150 itself has no knowledge that the three polling requests ultimately originated from the content router 145 associated with the client 105. Thus, contrary to the Examiner's allegation, Zisapel does not teach or suggest the feature of the first means arranged to identify whether a plurality of addresses making a corresponding plurality request for the same data are associated with the same end user.

Apostolopoulos does not correct for this deficiency of Zisapel. Since neither Zisapel nor Apostolopoulos discloses the above recited feature individually, the combination of Zisapel and Apostolopoulos also fails to disclose the above recited feature. Accordingly, claim 1 is patentably distinguished over the combination of Zisapel and Apostolopoulos for at least this reason.

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Independent claim 4 recites, in part, "means for generating a plurality of access requests for same data to be delivered by the server ... wherein each request conveys an indication of their common origin to the targeted server." As demonstrated above, the server 150 disclosed in Zisapel has no knowledge of the common origin of the polling requests. This is because there is no such indication provided to the server 150. Accordingly, Zisapel cannot teach or suggest the above recited feature. Apostolopoulos is similarly deficient. Therefore, independent claim 4 is also patentably distinguishable over the combination of Zisapel and Apostolopoulos for at least this reason.

Independent claim 7 recites, in part, "generating, at an end user terminal, a plurality of access requests ... wherein each request conveys an indication of their common origin" and "identifying, at the server, whether a plurality of addresses corresponding to the plurality of access requests making the request for the same data are associated with a same end user." It is demonstrated above that the combination of Zisapel and Apostolopoulos cannot teach or suggest these features. Accordingly, independent claim 7 is also distinguished over the combination of Zisapel and Apostolopoulos for at least this reason.

Claims 2-3, 5-6 and 8-10 depend from independent claims 1, 4 and 7, and recite further distinguishing features. Accordingly, these dependent claims are distinguishable over the combination of Zisapel and Apostolopoulos.

In view of this fundamental deficiency of the cited references, it is not believed necessary at this time to explain further deficiencies of this allegedly "obvious" combination of references with respect to other features of the rejected claims.

Applicant respectfully requests that the rejection of claims 1-10 based on Zisapel and Apostolopoulos be withdrawn.

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NEW CLAIMS

In this reply, claims 11-17 are newly added. The features of the new claims are all supported by the disclosure as originally submitted. Applicant respectfully submits that the new claims are allowable over the cited references of record.

Claims 11-13 depend from independent claim 1, 4 and 7, respectively, and recite further distinguishing features.

Independent claim 14 recites, in part "determining whether the plurality of data requests are from a same user terminal based on an identification of the requesting user terminal included in the respective plurality of requests." Applicant respectfully submits that the cited references, individually or in combination, also do not disclose at least this feature.

Claims 15-17 depend from independent claim 17 and recite further distinguishing features.

Applicant respectfully requests that the new claims be allowed.
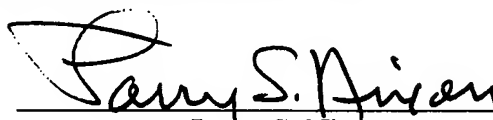
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CONCLUSION

All objections and rejections raised in the office action having been addressed, it is

respectfully submitted that the present application is in condition for allowance. Should there be

any outstanding matters that need to be resolved, the Examiner is respectfully requested to

contact the undersigned to conduct an interview in an effort to expedite the prosecution in

connection with the present application.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____
Larry S. Nixon
Reg. No. 25,640

LSN:HSN/dp
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

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